

REMARKS

Claims 1-3 have been canceled. Claims 4-23 have been added. A total of 20 claims, including 3 independent claims, remain in the application. Thus, no additional fee is due. Claims 4-23 are now pending in the application. Support for the added claims is found in the specification and drawings of the application.

Objections/Rejections Under 35 U.S.C. 112

1.0 *The Examiner has rejected claim 2 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 2, the applicant has positively recited the combination of the assembly and the wall of the structure. Is the wall required?*

1.1 Applicant's agent has canceled claims 1-3 and holds the rejection of claim 2 under 35 USC 112 is no longer applicable.

Objections/Rejections Under 35 U.S.C. § 102

2.0 *The Examiner has rejected claims 1-3 under 35 U.S.C. 102(b) as anticipated by Hsu (U.S. 5,372,217, December 13, 1994).*

2.1 The Examiner holds that **Hsu '217** discloses an escape device 10 comprised of frame members 100, 102, 101, collapsible ladder 12, hinged door 11 have a step 110 thereon.

2.2 **The Present Invention** of added claim 4 is an emergency ladder system adapted for mounting within an exterior wall of a dwelling below a window therein. The emergency ladder

system comprises a rectangular frame box having stationary, opposed sidewalls, top wall, bottom wall and rear wall, each stationary wall adapted for fastening within the exterior wall of a dwelling. A door and step wall is hinged at one edge to the bottom wall opposite the rear wall. A pair of flexible door and step wall support straps are each attached at a first end to one frame box, stationary sidewall adjacent the top wall and at a second end to the door and step wall adjacent an edge opposite the hinged edge thereof. The support straps are of a selected length to prevent the door and step wall from pivoting beyond parallel with the frame box bottom wall. A collapsible ladder assembly is attached to the door and step wall opposite the hinged edge thereof. The ladder assembly includes a pair of continuous ladder support straps, each attached at one end to the door and step wall adjacent the door and step wall support straps, and a plurality of ladder rungs connected between the ladder support straps at regular intervals.

The emergency ladder system is mounted within the exterior wall of the dwelling with the door and step wall on an outer surface thereof. In a system storage condition, the collapsible ladder assembly is folded up and located within the box frame with the door and step wall vertically oriented and closed to the top wall. The system is deployed by pivoting the door and step wall to a horizontal orientation with the ladder assembly extending downwardly therefrom.

The *Hsu '217* reference falls short of the present invention of claim 4 in several ways. The door 11 of the *Hsu '217* reference does not function as a step, but hangs vertically when opened to deploy the ladder (FIG. 6). The present invention includes support straps of selected length to prevent the door and step wall from pivoting beyond parallel with the frame box bottom wall with the ladder deployed. The horizontal deployed door and step wall provides a platform below a

window, facilitating the exit of an individual through the window onto the door and step wall. Additionally, the ladder assembly of the present invention is attached to the edge of the door and step wall opposite the hinged edge, thereby suspending the deployed ladder assembly away from the wall of the dwelling. The deployed ladder of the *Hsu '217* reference contacts the wall of the structure (FIG. 8), making it difficult for the individual using the ladder to step on the rungs, due to the rungs being in close proximity to the wall of the structure. None of the other references cited by the Examiner disclose, teach or suggest an emergency ladder system with the features claimed in claim 4 of the present application.

Thus, applicant's agent holds that added claim 4 is patentably distinguished over the *Hsu '217* reference, and that claim 4 is patentable. Applicant's agent holds that since claims 5-11 depend from claim 4 which is now patentable, thus claims 5-11 are patentable since each recites more specific embodiments of the invention. Applicant's agent respectfully requests that the Examiner allow added claims 4-11 in view of the arguments presented for claim 4.

2.3 The Present Invention of added claim 12 includes all the limitations of claim 4 plus a pair of insulating panels interior the frame box, one insulating panel attached to the frame box rear wall and the other insulating panel attached to the door and step wall. The pair of insulating panels interior the frame box serves to further patentably distinguish claim 12 over the *Hsu '217* reference, as discussed in paragraphs **2.2** above.

Thus, added claim 12 is patentably distinguished over the *Hsu '217* reference, as discussed in paragraphs **2.2** above, and claim 12 is patentable. Applicant's agent holds that since claims 13-18 depend from claim 12, which is patentable, thus claims 13-18 are patentable since each recites more

specific embodiments of the invention. Applicant's agent respectfully requests that the Examiner allow added claims 12-18 in view of the arguments presented for claim 4 above.

2.4 The Present Invention of added claim 19 includes all the limitations of claim 12 plus an outer panel secured to an outer surface of the door and step wall, the outer panel adapted to match an exterior wall surface of the dwelling, and a door pull attached to an exterior surface of the door and step wall opposite the hinged edge thereof, the door pull releasably maintaining the door and step wall in a storage condition with the door and step wall vertically oriented and closed to the top wall thereof. The outer panel secured to an outer surface of the door and step wall and the door pull attached to an exterior surface of the door and step wall opposite the hinged edge serves to further patentably distinguish claim 19 over the *Hsu '217* reference, as discussed in paragraphs 2.2 above.

Thus, added claim 19 is patentably distinguished over the *Hsu '217* reference, as discussed in paragraphs 2.2 above, and claim 19 is patentable. Applicant's agent holds that since claims 20-23 depend from claim 19, which is patentable, thus claims 20-23 are patentable since each recites more specific embodiments of the invention. Applicant's agent respectfully requests that the Examiner allow added claims 19-23 in view of the arguments presented for claim 4 above.

3.0 The prior art made of record and not relied upon, **Lee**, U.S. Patent No. 5,785,147, **Cranswick et al.**, U.S. Patent No. 5,893,431, and **Shupp, Jr.**, U.S. Patent No. 6,129,178, have been reviewed by applicant's agent. None are believed to be more pertinent than the reference cited by the Examiner.

CONCLUSION

Applicant's agent respectfully traverses the Examiner's rejection and requests reconsideration. Applicant's agent respectfully submits that the pending added claims 4-23 are in condition for allowance. Applicant's agent respectfully request passage of the application to issue.

Respectfully submitted,

Date 23 March 2007

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